

## **REMARKS**

### **A. INTRODUCTION**

Claims 70-75, 78, 79 and 92-111 are pending and rejected.

Upon entry of this Amendment:

- Claims 70-75, 78, 79 and 92-111 will be pending
- Claims 93, 101 and 111 will be amended

### **B. REQUEST FOR TELEPHONE INTERVIEW**

Applicants respectfully request a Telephone Interview to discuss the Section 112 ¶ 2 rejections for indefiniteness in light of the pending claims and Applicants' remarks in this paper.

### **C. SECTION 112 ¶ 2 REJECTION: INDEFINITENESS**

Claims 70, 73, 78, 79, 93, 101 and 111 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which we regard as the invention.

Applicants respectfully traverse the Examiner's Section 112 ¶ 2 rejection of Claims 70, 73, 78, 79, 93, 101 and 111.

With respect to Claims 70, 73, 78 and 79, the Examiner's allegations that the claims are "vague and unclear" appear to be based solely on the Examiner's assessment that the scope of the features generally directed to *determining...a certificate identifier corresponding to the financial account, said certificate identifier being different from said account identifier* are broad.

Applicants respectfully traverse any determination that the corresponding claim language is fatally indefinite. The scope of each of the claims is reasonably clear, not only on its face, but when considered, as is required, in light of the Specification. No recited term is "vague" or "unclear." The Examiner may have found that some terms may encompass different embodiments (e.g., a computer using a piece of software), but breadth is not to be equated with indefiniteness.

For at least these reasons, Applicants respectfully traverse and request the withdrawal of the Section 112 rejections of Claims 70, 73, 78 and 79 (and any dependent claims).

With respect to Claims 93 and 101, Applicants respectfully traverse the stated reasoning that "this claim limitation crosses two separate statutory classes of invention." The mere reciting of an element that is in a means plus function form does not mean the claims are impermissibly attempting to claim both a method and

another statutory class, for example, any more than would a step of “determining, by a computer....” However, solely in order to claim a desirable embodiment and not because either of Claims 93 and 101 fails any requirement of Section 112 (or other statutory provision), each of Claims 93 and 101 has been amended to recite *in which producing comprises obstructing the visibility of said corresponding certificate identifier*.

Applicants traverse the Examiner’s finding that “in the database” is a missing essential element of Claim 111, and traverse the determination that Claim 111 does not comply with Section 112. MPEP § 2172.01 requires that a finding an element is “essential” must be established by evidence that Applicants defined the element as essential in the Specification—no such statements have been made, and the Examiner does not assert otherwise or point to any evidence of such in the Specification.

Applicants request that the Examiner clarify the record by withdrawing this erroneous finding. It is clear that the Examiner made the finding, improperly, based on the mere presence of “in the database” in other claims—that is an insufficient basis on which to base a finding of “essential element” or to ground a Section 112(¶2) rejection.

However, solely in order to claim a desirable embodiment and not because Claim 111 fails any requirement of Section 112 (or other statutory provision), Claim 111 has been amended to recite *associating in the database*.

#### **D. ADDITIONAL COMMENTS**

Our silence with respect to the Examiner’s other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner’s interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an un rebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner’s assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

**E. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES**

Applicants do not believe that any fees are necessary for this response.

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Deposit Account: 50-0271

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Please credit any overpayment to the same account.

**F. CONCLUSION**

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 438-6408 or via electronic mail at [mdowns@finchamdowns.com](mailto:mdowns@finchamdowns.com).

Respectfully submitted,

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Date

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